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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

JACOBS, LASHONDA T

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 05/07/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/417,739	BOSS ET AL. 
	Examiner	Art Unit
	LaShonda T. Jacobs	2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 February 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 4,7-9,15,16 and 38-43 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 4,7-9,15,16 and 38-43 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 February 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on 28 February 2003 is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION***Response to Amendment***

This Office Action is in response to Applicant's amendment filed on February 28, 2003.

Claims 1-3, 5-6, 10-14, and 17-20 are cancelled. Claims 4, 7-9, 15-16 are presented for further examination. Claims 37-43 are newly added by Applicant are also presented for examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 4, 7-9, 15-16, and 37-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Bryant.

As per claim 4, Bryant discloses a method and system for recording network transactions, comprising the acts of:

- coupling to a client object by the way of a proxy server (monitor) interface of said client object (see abstract, col. 3, lines 59-61 and col. 10, lines 15-16);
- receiving from said client object, a client request destined for said network (col. 3, lines 34-36);

- recording selected information indicative of said client request (col. 2, lines 8-12, and col. 3, lines 62-66);
- transmitting said client request onto said network (col. 3, lines 34-36, and col. 4, lines 49-56); and
- simulating a user interaction by retransmitting said client request (see abstract, col. 1, lines 48-55, lines 66-67, col. 2, lines 1-19, col. 4, lines 13-24, and col. 5, lines 15-26).

As per claim 7, Bryant discloses:

- coupling to a client object by the way of a proxy server (monitor) interface of said client object (see abstract, col. 3, lines 59-61 and col. 10, lines 15-16);
- receiving a first client request destined for said network (col. 3, lines 34-36, and col. 4, lines 49-56);
- recording selected information indicative of said first client request (see Fig. 2, col. 2, lines 8-12, and col. 3, lines 62-66);
- transmitting said first client request onto said network (col. 3, lines 34-36, and col. 4, lines 49-56);
- receiving a response to said first client request from said network (col. 3, lines 34-36, and col. 4, lines 49-56);
- transmitting said response to said client object (col. 3, lines 34-36, and col. 4, lines 49-56);
- receiving a second client request destined for said network (see Fig. 2, col. 3, lines 34-36, lines 62-67, and col. 4, lines 1-3);

- transmitting said second client request onto said network (col. 3, lines 34-36, and col. 4, lines 49-56); and
- recording selected information indicative of said second client request, wherein the recorded information indicative of said second client request is a function of said response (col. 5, lines 27-35, and col. 7, lines 31-52).

As per claim 8, Bryant discloses:

- wherein at least one of said responses is a web page including a plurality of hyperlinks, and wherein said function takes into account the relative location of one said hyperlinks on said web page (col. 7, lines 31-65).

As per claim 9, Bryant discloses:

- coupling to a client object by the way of a proxy server (monitor) interface of said client object (see abstract, col. 3, lines 59-61 and col. 10, lines 15-16);
- receiving a first client request destined for said network (col. 3, lines 34-36, and col. 4, lines 49-56);
- transmitting said first client request onto said network (col. 3, lines 34-36, and col. 4, lines 49-56);
- receiving a second client request destined for said network (see Fig. 2, col. 3, lines 34-36, lines 62-67, and col. 4, lines 1-3);
- transmitting said second client request onto said network (col. 3, lines 34-36, and col. 4, lines 49-56); and
- recording the time between the first and second client requests (col. 5, lines 52-67, and col. 6, lines 1-8).

As per claims 15, 40, and 41 Bryant discloses:

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- a computer-readable medium containing computer-executable instructions (col. 10, lines 64-67, and col. 11, lines 1-6).

As per claim 16, Bryant discloses:

- a first interface connectible to a client object, whereby said interface receives requests destined for said network originating from said client object (at least implicitly) (col. 3, lines 5-8 and lines 49-61);
- a recorder object in communication with said first object for receiving said requests by way of said first interface (col. 4, lines 66-67 and col. 5, lines 1-6), and said recorder object creating a record comprising a representation of said requests (see Fig. 2, col. 3, lines 62-67, col. 4, lines 1-3, and col. 5, lines 3-6);
and
- a second interface connectible to said network (at least implicitly) (col. 2, lines 66-67, col. 3, lines 1-5, lines 14-26), said second interface being in communication with said recorder object wherein said recorder object transmits said request to said network by way of said second interface (col. 4, lines 49-56);
and
- wherein said second interface receives responses destined for said client object originating from said network, wherein said recorder object is in communication with said second interface for receiving said responses by the way said second interface, wherein said first interface is in communication with said recorder object whereby said recorder object transmits said responses to said client object by the way of said first interface, and wherein at some of the representation of

said requests is a function of said responses (see Fig. 2, col. 3, lines 5-8, lines 14-26, lines 49-67, col. 4, lines 1-3, col. 5, lines 3-6, and col. 7, lines 31-52).

As per claim 37, Bryant discloses:

- wherein at least one of said responses is a web page including a plurality of hyperlinks, and wherein said function takes into account the relative location of one said hyperlinks on said web page (col. 7, lines 31-65).

As per claim 38, Bryant discloses:

- a first interface connectible to a client object, whereby said interface receives requests destined for said network originating from said client object (at least implicitly) (col. 3, lines 5-8 and lines 49-61);
- a recorder object in communication with said first object for receiving said requests by way of said first interface (col. 4, lines 66-67 and col. 5, lines 1-6), and said recorder object creating a record comprising a representation of said requests (see Fig. 2, col. 3, lines 62-67, col. 4, lines 1-3, and col. 5, lines 3-6);
- a second interface connectible to said network (at least implicitly) (col. 2, lines 66-67, col. 3, lines 1-5, lines 14-26), said second interface being in communication with said recorder object wherein said recorder object transmits said request to said network by way of said second interface (col. 4, lines 50-56); and
- wherein said recorder object calculates the time between a first of said requests and a second of said requests, and includes in said record a representation of the calculated time (col. 5, lines 52-67, and col. 6, lines 1-8).

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As per claim 39, Bryant discloses:

- a replayer object which simulates a user network transaction by sending over said network the requests represented in said record including said first request and said second request, and wherein said replayer inserts a duration of time between said first request and said second request based on the representation of the calculated time contained in said record (see abstract, col. 1, lines 48-55, lines 66-67, col. 2, lines 1-19, col. 4, lines 13-24, col. 5, lines 52-67, and col. 6, lines 1-8).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant as applied to claims 4, 7-9, 15-16, and 37-41 above, and further in view of Bryant et al (6,078,956).

As per claim 42, Bryant discloses the invention substantially as claimed.

However, Bryant does not explicitly disclose

- wherein the recorded information indicative of said second client request is further a function of a cookie associated with said response.

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In an analogous art, Bryant (6,078,956) discloses sending response time information from a Web client to a Web server in a cookie (see abstract, and col. 2, lines 23-43).

Given the teaching of Bryant (6,078,956), it would have been obvious to one of ordinary skill in the art to modify Bryant by including a cookie within the monitor in order to obtain information associated with a response allowing the monitor to keep track and identify user activities on a web page.

As per claim 43, Bryant discloses the invention substantially as claimed.

However, Bryant does not explicitly disclose

- wherein at least some of the representation said requests is further a function of one or more cookies associated with said responses.

In an analogous art, Bryant (6,078,956) discloses sending response time information from a Web client to a Web server in a cookie (see abstract, and col. 2, lines 23-43).

Given the teaching of Bryant (6,078,956), it would have been obvious to one of ordinary skill in the art to modify Bryant by including a cookie within the monitor in order to obtain information associated with a response allowing the monitor to keep track and identify user activities on a web page.

Response to Arguments

3. Applicant's arguments filed February 28, 2003 have been fully considered but are moot in view of the new ground(s) of rejection.

In response to Applicant's request for reconsideration filed on February 28, 2003, the following factual arguments are noted:

- a. Dibblestein does not teach simulating a user interaction by retransmitting said client request.

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- b. Examiner has admitted that the step of simulating a user interaction by retransmitting said client request.
- c. Applicant's respectfully submit that the Examiner overlooked what claim 7 actually says, the claim does not call for a second client, but rather for a second request.
- d. Bryant nor Doblestein teaches recording selected information indicative of said client request is a function of said response.
- e. Bryant nor Doblestein does not teach receiving two client requests and recording the time between these two request.
- f. Prior art of record does not teach wherein request is a function of said response.
- g. Examiner's attempt to read the claim feature of a "relative location" onto Bryant is incorrect.

In considering (a) and (b), the 103 rejection has been withdrawn due to the limitation being expressed by Bryant. The Examiner takes the opportunity now to show that Bryant actually teaches the limitation.

In considering (c), the Examiner agrees that she has overlooked the language of claim 7. The Examiner takes the opportunity now to show that Bryant actually teaches the limitation of claim 7.

In considering (d) and (f), Examiner respectfully disagrees with Applicant's argument. According to the claim limitation, "recording selected information indicative of said second client request, wherein the recorded information indicative of said second client request is a function of said response", Bryant discloses a monitor that records and replays a set of URLs that issue from a Web browser during an interactive session between the client machine and server application. When a client clicks on a link or

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request any information from a server during the interactive session, the server sends a response back to the client. In order for the request to be a function of the response, the client request information from the web page received from the server during the session.

The monitor records and replays the interactive session later analysis. Thus, Bryant discloses recording selected information indicative of said second client request, wherein the recorded information indicative of said second client request is a function of said response.

In considering (e), Examiner respectfully disagrees with Applicant's argument. According to the claim limitation, "recording the time between the first and second client requests", Bryant discloses a monitor that records response time data of each response to the user. The monitor determines the response time (server time, which is the time between the first and second request). Thus, Bryant discloses recording the time between the first and second client requests.

In considering (g), Examiner has cited another portion of Bryant to read more on the claimed feature of relative location.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

LaShonda T. Jacobs
Examiner
Art Unit 2157

ltj
May 5, 2003



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